

109TH CONGRESS
1ST SESSION

S. 1773

To resolve certain Native American claims in New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2005

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To resolve certain Native American claims in New Mexico,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pueblo de San
5 Ildefonso Claims Settlement Act of 2005”.

6 **SEC. 2. DEFINITIONS AND PURPOSES.**

7 (a) DEFINITIONS.—In this Act:

8 (1) ADMINISTRATIVE ACCESS.—The term “ad-
9 ministrative access” means the unrestricted use of
10 land and interests in land for ingress and egress by

1 an agency of the United States (including a per-
2 mittee, contractor, agent, or assignee of the United
3 States) in order to carry out an activity authorized
4 by law or regulation, or otherwise in furtherance of
5 the management of federally-owned land and re-
6 sources.

7 (2) COUNTY.—The term “County” means the
8 incorporated county of Los Alamos, New Mexico.

9 (3) LOS ALAMOS AGREEMENT.—The term “Los
10 Alamos Agreement” means the agreement among
11 the County, the Pueblo, the Department of Agri-
12 culture Forest Service, and the Bureau of Indian Af-
13 fairs dated January, 22, 2004.

14 (4) LOS ALAMOS TOWNSITE LAND.—“Los Ala-
15 mos Townsite Land” means the land identified as
16 Attachment B (dated December 12, 2003) to the
17 Los Alamos Agreement.

18 (5) NORTHERN TIER LAND.—“Northern Tier
19 Land” means the land comprising approximately
20 739.71 acres and identified as “Northern Tier
21 Lands” in Appendix B (dated August 3, 2004) to
22 the Settlement Agreement.

23 (6) PENDING LITIGATION.—The term “Pending
24 Litigation” means the case styled Pueblo of San
25 Ildefonso v. United States, Docket Number 354,

1 originally filed with the Indian Claims Commission
2 and pending in the United States Court of Federal
3 Claims on the date of enactment of this Act.

4 (7) PUEBLO.—The term “Pueblo” means the
5 Pueblo de San Ildefonso, a federally recognized In-
6 dian tribe (also known as the “Pueblo of San
7 Ildefonso”).

8 (8) SETTLEMENT AGREEMENT.—The term
9 “Settlement Agreement” means the agreement enti-
10 tled “Settlement Agreement between the United
11 States and the Pueblo de San Ildefonso to Resolve
12 All of the Pueblo’s Land Title and Trespass Claims”
13 and dated June 7, 2005.

14 (9) SETTLEMENT AREA LAND.—The term “Set-
15 tlement Area Land” means the National Forest Sys-
16 tem land located within the Santa Fe National For-
17 est, as described in Appendix B to the Settlement
18 Agreement, that is available for purchase by the
19 Pueblo under section 9(a) of the Settlement Agree-
20 ment.

21 (10) SETTLEMENT FUND.—The term “Settle-
22 ment Fund” means the Pueblo de San Ildefonso
23 Land Claims Settlement Fund established by section
24 6.

1 (11) SISK ACT.—The term “Sisk Act” means
 2 Public Law 90–171 (commonly known as the “Sisk
 3 Act”) (16 U.S.C. 484a).

4 (12) WATER SYSTEM LAND.—The term “Water
 5 System Land” means the federally-owned land lo-
 6 cated within the Santa Fe National Forest to be
 7 conveyed to the County under the Los Alamos
 8 Agreement.

9 (b) PURPOSES.—The purposes of this Act are—

10 (1) to finally dispose, as set forth in sections 4
 11 and 5, of all rights, claims, or demands that the
 12 Pueblo has asserted or could have asserted against
 13 the United States with respect to any and all claims
 14 in the Pending Litigation;

15 (2) to extinguish claims based on aboriginal
 16 title, Indian title, or recognized title, or any other
 17 title claims under section 5;

18 (3) to authorize the Pueblo to acquire the Set-
 19 tlement Area Land, and to authorize the Secretary
 20 of Agriculture to convey the Water System Land,
 21 the Northern Tier Land, and the Los Alamos Town-
 22 site Land for market value consideration, and for
 23 such consideration to be paid to the Secretary of Ag-
 24 riculture for the acquisition of replacement National
 25 Forest land elsewhere in New Mexico;

1 (4) to provide that the Settlement Area Land
2 acquired by the Pueblo shall be held by the Sec-
3 retary of the Interior in trust for the benefit of the
4 Pueblo;

5 (5) to facilitate government-to-government rela-
6 tions between the United States and the Pueblo re-
7 garding cooperation in the management of certain
8 land administered by the National Park Service and
9 the Bureau of Land Management as described in
10 sections 7 and 8 of the Settlement Agreement;

11 (6) to ratify the Settlement Agreement; and,

12 (7) to ratify the Los Alamos Agreement.

13 **SEC. 3. RATIFICATION OF AGREEMENTS.**

14 (a) RATIFICATION.—The Settlement Agreement and
15 Los Alamos Agreement are ratified under Federal law,
16 and the parties to those agreements are authorized to
17 carry out the provisions of the agreements.

18 (b) CORRECTIONS AND MODIFICATIONS.—The re-
19 spective parties to the Settlement Agreement and the Los
20 Alamos Agreement are authorized, by mutual agreement,
21 to correct errors in any legal description or maps, and to
22 make minor modifications to those agreements.

23 **SEC. 4. JUDGMENT AND DISMISSAL OF LITIGATION.**

24 (a) DISMISSAL.—Not later than 90 days after the
25 date of enactment of this Act, the United States and the

1 Pueblo shall execute and file with the United States Court
 2 of Federal Claims in the Pending Litigation a motion for
 3 entry of final judgment in accordance with section 5 of
 4 the Settlement Agreement.

5 (b) COMPENSATION.—Upon entry of the final judg-
 6 ment under subsection (a), \$6,900,000 shall be paid into
 7 the Settlement Fund as compensation to the Pueblo in ac-
 8 cordance with section 1304 of title 31, United States
 9 Code.

10 **SEC. 5. RESOLUTION OF CLAIMS.**

11 (a) EXTINGUISHMENTS.—Except as provided in sub-
 12 section (b), in consideration of the benefits of the Settle-
 13 ment Agreement, and in recognition of the agreement of
 14 the Pueblo to the Settlement Agreement, all claims of the
 15 Pueblo against the United States (including any claim
 16 against an agency, officer, or instrumentality of the
 17 United States) are relinquished and extinguished, includ-
 18 ing—

19 (1) any claim to land based on aboriginal title,
 20 Indian title, or recognized title;

21 (2) any claim for damages or other judicial re-
 22 lief or for administrative remedies that were
 23 brought, or that were knowable and could have been
 24 brought, on or before the date of the Settlement
 25 Agreement;

1 (3) any claim relating to—

2 (A) any federally-administered land, in-
3 cluding National Park System land, National
4 Forest System land, Public land administered
5 by the Bureau of Land Management, the Set-
6 tlement Area Land, the Water System Land,
7 the Northern Tier Land, and the Los Alamos
8 Townsite Land; and

9 (B) any land owned by, or held for the
10 benefit of, any Indian tribe other than the
11 Pueblo; and

12 (4) any claim that was, or that could have been,
13 asserted in the Pending Litigation.

14 (b) EXCEPTIONS.—Nothing in this Act or the Settle-
15 ment Agreement shall in any way extinguish or otherwise
16 impair—

17 (1) the title of record of the Pueblo to land held
18 by or for the benefit of the Pueblo, as identified in
19 Appendix D to the Settlement Agreement, on or be-
20 fore the date of enactment of this Act; and,

21 (2) the title of the Pueblo to the Pueblo de San
22 Ildefonso Grant, including, as identified in Appendix
23 D to the Settlement Agreement—

24 (A) the title found by the United States
25 District Court for the District of New Mexico

1 in the case styled United States v. Apodoca
 2 (Number 2031, equity: December 5, 1930) not
 3 to have been extinguished; and

4 (B) title to any land that has been reac-
 5 quired by the Pueblo pursuant to the Act enti-
 6 tled “An Act to quiet the title to lands within
 7 Pueblo Indian land grants, and for other pur-
 8 poses”, approved June 7, 1924 (43 Stat. 636,
 9 chapter 331);

10 (3) the water rights of the Pueblo appurtenant
 11 to the land described in paragraphs (1) and (2); and

12 (4) any rights of the Pueblo or a member of the
 13 Pueblo under Federal law relating to religious or
 14 cultural access to, and use of, Federal land.

15 (c) PREVIOUS EXTINGUISHMENTS UNIMPAIRED.—
 16 Nothing in this Act affects any prior extinguishments of
 17 rights or claims of the Pueblo which may have occurred
 18 by operation of law.

19 (d) BOUNDARIES AND TITLE UNAFFECTED.—

20 (1) BOUNDARIES.—Nothing in this Act affects
 21 the location of the boundaries of the Pueblo de San
 22 Ildefonso Grant.

23 (2) RIGHTS, TITLE, AND INTEREST.—Nothing
 24 in this Act affects, ratifies, or confirms the right,
 25 title, or interest of the Pueblo in the land held by,

1 or for the benefit of, the Pueblo, including the land
2 described in Appendix D of the Settlement Agree-
3 ment.

4 **SEC. 6. SETTLEMENT FUND.**

5 (a) ESTABLISHMENT.—There is established in the
6 Treasury a fund to be known as the “Pueblo de San
7 Ildefonso Land Claims Settlement Fund”.

8 (b) CONDITIONS.—Monies deposited in the Settle-
9 ment Fund shall be subject to the following conditions:

10 (1) MAINTENANCE AND INVESTMENT.—The
11 Settlement Fund shall be maintained and invested
12 by the Secretary of the Interior pursuant to the Act
13 of June 24, 1938 (25 U.S.C. 162a).

14 (2) USE OF FUNDS.—Subject to paragraph (3),
15 monies deposited into the Settlement Fund shall be
16 expended by the Pueblo—

17 (A) to acquire the federally administered
18 Settlement Area Land;

19 (B) to pay for the acquisition of the Water
20 System Land, as provided in the Los Alamos
21 Agreement; and

22 (C) at the option of the Pueblo, to acquire
23 other land.

24 (3) EFFECT OF WITHDRAWAL.—If the Pueblo
25 withdraws monies from the Settlement Fund, nei-

1 ther the Secretary of the Interior nor the Secretary
2 of the Treasury shall retain any oversight over, or
3 liability for, the accounting, disbursement, or invest-
4 ment of the withdrawn funds.

5 (4) PER CAPITA DISTRIBUTION.—No portion of
6 the funds in the Settlement Fund may be paid to
7 Pueblo members on a per capita basis.

8 (5) ACQUISITION OF LAND.—The acquisition of
9 land with funds from the Settlement Fund shall be
10 on a willing-seller, willing-buyer basis, and no emi-
11 nent domain authority may be exercised for purposes
12 of acquiring land for the benefit of the Pueblo under
13 this Act.

14 (6) EFFECT OF OTHER LAWS.—The Act of Oc-
15 tober 19, 1973 (Public Law 93–134; 87 Stat. 466)
16 and section 203 of the American Indian Trust Fund
17 Management Reform Act of 1994 (25 U.S.C. 4023)
18 shall not apply to the Settlement Fund.

19 **SEC. 7. LAND OWNERSHIP ADJUSTMENTS.**

20 (a) AUTHORIZATION.—

21 (1) IN GENERAL.—The Secretary of Agriculture
22 may sell the Settlement Area Land, Water System
23 Land, and Los Alamos Townsite Land, on such
24 terms and conditions as are agreed upon and de-
25 scribed in the Settlement Agreement and the Los Al-

1 amos Agreement, including reservations for adminis-
2 trative access and other access as shown on Appen-
3 dix B of the Settlement Agreement.

4 (2) EFFECT OF CLAIMS AND CAUSE OF AC-
5 TION.—Consideration for any land authorized for
6 sale by the Secretary of Agriculture shall not be off-
7 set or reduced by any claim or cause of action by
8 any party to whom the land is conveyed.

9 (b) CONSIDERATION.—The consideration to be paid
10 for the Federal land authorized for sale in subsection (a)
11 shall be—

12 (1) for the Settlement Area Land and Water
13 System Land, the consideration agreed upon in the
14 Settlement Agreement; and

15 (2) for the Los Alamos Townsite Land, the cur-
16 rent market value based on an appraisal approved
17 by the Forest Service as being in conformity with
18 the latest edition of the Uniform Appraisal Stand-
19 ards for Federal Land Acquisitions.

20 (c) DISPOSITION OF RECEIPTS.—

21 (1) IN GENERAL.—All monies received by the
22 Secretary of Agriculture from the sale of National
23 Forest System land as authorized by this Act, in-
24 cluding receipts from the Northern Tier Land, shall
25 be deposited into the fund established in the Treas-

1 ury of the United States pursuant to the Sisk Act
2 and shall be available, without further appropriation,
3 authorization, or administrative apportionment for
4 the purchase of land by the Secretary of Agriculture
5 for National Forest System purposes in the State of
6 New Mexico.

7 (2) USE OF FUNDS.—Funds deposited in a Sisk
8 Act fund pursuant to this Act shall not be subject
9 to transfer or reprogramming for wildlands fire
10 management or any other emergency purposes, or
11 used to reimburse any other account.

12 (3) ACQUISITIONS OF LAND.—In expending
13 funds to exercise its rights under the Settlement
14 Agreement and the Los Alamos Agreement with re-
15 spect to the acquisition of the Settlement Area
16 Land, the County's acquisitions of the Water System
17 Land, and the Northern Tier Land (if the Pueblo
18 exercises an option to purchase the Northern Tier
19 Land as provided in section 12(b)(2)(A), the Pueblo
20 shall use only funds in the Settlement Fund and
21 shall not augment those funds from any other
22 source.

23 (d) VALID EXISTING RIGHTS AND RESERVATIONS.—

24 (1) IN GENERAL.—The Settlement Area Land
25 acquired by the Pueblo shall be subject to all valid

1 existing rights on the date of enactment of this Act,
2 including rights of administrative access.

3 (2) WATER RIGHTS.—No water rights shall be
4 conveyed by the United States.

5 (3) SPECIAL USE AUTHORIZATION.—

6 (A) IN GENERAL.—Nothing in this Act
7 shall affect the validity of any special use au-
8 thorization issued by the Forest Service within
9 the Settlement Area Land, except that such au-
10 thorizations shall not be renewed upon expira-
11 tion.

12 (B) REASONABLE ACCESS.—For access to
13 valid occupancies within the Settlement Area
14 Land, the Pueblo and the Secretary of the Inte-
15 rior shall afford rights of reasonable access
16 commensurate with that provided by the Sec-
17 retary of Agriculture on or before the date of
18 enactment of this Act.

19 (4) WATER SYSTEM LAND AND LOS ALAMOS
20 TOWNSITE LAND.—The Water System Land and
21 Los Alamos Townsite Land acquired by the County
22 shall be subject to—

23 (A) all valid existing rights; and

24 (B) the rights reserved by the United
25 States under the Los Alamos Agreement.

1 (5) PRIVATE LANDOWNERS.—

2 (A) IN GENERAL.—Upon acquisition by
3 the Pueblo of the Settlement Area Land, the
4 Secretary of the Interior, acting on behalf of
5 the Pueblo and the United States, shall execute
6 easements in accordance with any right re-
7 served by the United States for the benefit of
8 private landowners owning property that re-
9 quires the use of Forest Development Road 416
10 (as in existence on the date of enactment of this
11 Act) and other roads that may be necessary to
12 provide legal access into the property of the
13 landowners, as the property is used on the date
14 of this Act.

15 (B) MAINTENANCE OF ROADS.—Neither
16 the Pueblo nor the United States shall be re-
17 quired to maintain roads for the benefit of pri-
18 vate landowners.

19 (C) EASEMENTS.—Easements shall be
20 granted, without consideration, to private land-
21 owners only upon application of such land-
22 owners to the Secretary.

23 (e) FOREST DEVELOPMENT ROADS.—

24 (1) UNITED STATES RIGHT TO USE.—Subject
25 to any right-of-way to use, cross, and recross a road,

1 the United States shall reserve and have free and
2 unrestricted rights to use, operate, maintain, and re-
3 construct (at the same level of development, as in
4 existence on the date of the Settlement Agreement),
5 those sections of Forest Development Roads 57,
6 442, 416, 416v, 445 and 445ca referenced in Appen-
7 dix B of the Settlement Agreement for any and all
8 public and administrative access and other Federal
9 governmental purposes, including access by Federal
10 employees, their agents, contractors, and assigns (in-
11 cluding those holding Forest Service permits).

12 (2) CERTAIN ROADS.—Notwithstanding para-
13 graph (1), the United States—

14 (A) may improve Forest Development
15 Road 416v beyond the existing condition of that
16 road to a high clearance standard road (level
17 2); and

18 (B) shall have unrestricted administrative
19 access and non-motorized public trail access to
20 the portion of Forest Development Road 442
21 depicted in Appendix B to the Settlement
22 Agreement.

23 (f) PRIVATE MINING OPERATIONS.—

24 (1) COPAR PUMICE MINE.—The United States
25 and the Pueblo shall allow the COPAR Pumice Mine

1 to continue to operate as provided in the Contract
 2 For The Sale Of Mineral Materials dated May 4,
 3 1994, and for COPAR to use portions of Forest De-
 4 velopment Roads 57, 442, 416, and other designated
 5 roads within the area described in the contract, for
 6 the period of the contract and thereafter for a period
 7 necessary to reclaim the site.

8 (2) CONTINUING JURISDICTION.—

9 (A) ADMINISTRATION.—Continuing juris-
 10 diction of the United States over the contract
 11 for the sale of mineral materials shall be admin-
 12 istered by the Secretary of the Interior.

13 (B) EXPIRATION OF CONTRACT.—Upon ex-
 14 piration of the contract described in subpara-
 15 graph (A), jurisdiction over reclamation shall be
 16 assumed by the Secretary of the Interior.

17 (3) EFFECT ON EXISTING RIGHTS.—Nothing in
 18 this Act limits or enhances the rights of COPAR
 19 under the Contract For The Sale Of Mineral Mate-
 20 rials dated May 4, 1994.

21 **SEC. 8. CONVEYANCES.**

22 (a) AUTHORIZATION.—

23 (1) CONSIDERATION FROM PUEBLO.—Upon re-
 24 ceipt of the consideration from the Pueblo for the
 25 Settlement Area Land and the Water System Land,

1 the Secretary of Agriculture shall execute and de-
2 liver—

3 (A) to the Pueblo, a quitclaim deed to the
4 Settlement Area Land; and

5 (B) to the County, a quitclaim deed to the
6 Water System Land, reserving—

7 (i) a contingent remainder in the
8 United States in trust for the benefit of
9 the Pueblo in accordance with the Los Ala-
10 mos Agreement; and

11 (ii) a right of access for the United
12 States for the Pueblo for ceremonial and
13 other cultural purposes.

14 (2) CONSIDERATION FROM COUNTY.—Upon re-
15 ceipt of the consideration from the County for all or
16 a portion of the Los Alamos Townsite Land, the
17 Secretary of Agriculture shall execute and deliver to
18 the County a quitclaim deed to all or portions of
19 such land, as appropriate.

20 (3) EXECUTION.—An easement or deed of con-
21 veyance by the Secretary of Agriculture under this
22 Act shall be executed by the Director of Lands and
23 Minerals, Forest Service, Southwestern Region, De-
24 partment of Agriculture.

1 (b) AUTHORIZATION FOR PUEBLO TO CONVEY IN
 2 TRUST.—Upon receipt by the Pueblo of the quitclaim deed
 3 to the Settlement Land under subsection (a)(1), the Pueb-
 4 lo may quitclaim the Settlement Land to the United
 5 States, in trust for the Pueblo.

6 (c) ADEQUACY OF CONVEYANCE INSTRUMENTS.—
 7 Notwithstanding the status of the Federal land as public
 8 domain or acquired land, no instrument of conveyance
 9 other than a quitclaim deed shall be required to convey
 10 the Settlement Area Land, the Water System Land, the
 11 Northern Tier Land, or the Los Alamos Townsite Land
 12 under this Act.

13 (d) SURVEYS.—The Secretary of Agriculture is au-
 14 thorized to perform and approve any required cadastral
 15 survey.

16 (e) CONTRIBUTIONS.—Notwithstanding section 3302
 17 of title 31, United States Code, or any other provision of
 18 law, the Secretary of Agriculture may accept and use con-
 19 tributions of cash or services from the Pueblo, other gov-
 20 ernmental entities, or other persons—

21 (1) to perform and complete required cadastral
 22 surveys for the Settlement Area Land, the Water
 23 System Land, the Northern Tier Land, or the Los
 24 Alamos Townsite Land, as described in the Settle-
 25 ment Agreement or the Los Alamos Agreement; and

1 (2) to carry out any other project or activity
2 under—

3 (A) this Act;

4 (B) the Settlement Agreement; or

5 (C) the Los Alamos Agreement.

6 **SEC. 9. TRUST STATUS AND NATIONAL FOREST BOUND-**
7 **ARIES.**

8 (a) OPERATION OF LAW.—Without any additional
9 administrative action by the Secretary of Agriculture or
10 the Secretary of the Interior—

11 (1) on recording the quitclaim deed or deeds
12 from the Pueblo to the United States in trust for
13 the Pueblo under section 8(b) in the Land Titles
14 and Records Office, Southwest Region, Bureau of
15 Indian Affairs—

16 (A) the Settlement Area Land shall be
17 held in trust by the United States for the ben-
18 efit of the Pueblo; and

19 (B) the boundaries of the Santa Fe Na-
20 tional Forest shall be deemed to be modified to
21 exclude from the National Forest System the
22 Settlement Area Land; and

23 (2) on recording the quitclaim deed or deeds
24 from the Secretary of Agriculture to the County of
25 the Water System Land in the county land records,

1 the boundaries of the Santa Fe National Forest
 2 shall be deemed to be modified to exclude from the
 3 National Forest System the Water System Land.

4 (b) FUTURE INTERESTS.—If fee title to the Water
 5 System Land vests in the Pueblo by conveyance or oper-
 6 ation of law, the Water System Land shall be deemed to
 7 be held in trust by the United States for the benefit of
 8 the Pueblo, without further administrative procedures or
 9 environmental or other analyses.

10 (c) NONINTERCOURSE ACT.—Any land conveyed to
 11 the Secretary of the Interior in trust for the Pueblo or
 12 any other tribe in accordance with this Act shall be—

13 (1) subject to the Act of June 30, 1834 (25
 14 U.S.C. 177); and

15 (2) treated as reservation land.

16 **SEC. 10. INTERIM MANAGEMENT.**

17 Subject to valid existing rights, prior to the convey-
 18 ance under section 9, the Secretary of Agriculture, with
 19 respect to the Settlement Area Land, the Water System
 20 Land, the Northern Tier Land, and the Los Alamos
 21 Townsite Land—

22 (1) shall not encumber or dispose of the land by
 23 sale, exchange, or special use authorization, in such
 24 a manner as to substantially reduce the market
 25 value of the land;

1 (2) shall take any action that the Secretary de-
2 termines to be necessary or desirable—

3 (A) to protect the land from fire, disease,
4 or insect infestation; or

5 (B) to protect lives or property; and

6 (3) may, in consultation with the Pueblo or the
7 County, as appropriate, authorize a special use of
8 the Settlement Area Land, not to exceed 1 year in
9 duration.

10 **SEC. 11. WITHDRAWAL.**

11 Subject to valid existing rights, the land referenced
12 in the notices of withdrawal of land in New Mexico (67
13 Fed. Reg. 7193; 68 Fed. Reg. 75628) is withdrawn from
14 all location, entry, and patent under the public land laws
15 and mining and mineral leasing laws of the United States,
16 including geothermal leasing laws.

17 **SEC. 12. CONVEYANCE OF THE NORTHERN TIER LAND.**

18 (a) CONVEYANCE AUTHORIZATION.—

19 (1) IN GENERAL.—Subject to valid existing
20 rights, including reservations in the United States
21 and any right under this section, the Secretary of
22 Agriculture shall sell the Northern Tier Land on
23 such terms and conditions as the Secretary may pre-
24 scribe as being in the public interest and in accord-
25 ance with this section.

1 (2) EFFECT OF PARAGRAPH.—The authoriza-
2 tion under paragraph (1) is solely for the purpose of
3 consolidating Federal and non-Federal land to in-
4 crease management efficiency and is not in settle-
5 ment or compromise of any claim of title by any
6 Pueblo, Indian tribe, or other entity.

7 (b) RIGHTS OF REFUSAL.—

8 (1) PUEBLO OF SANTA CLARA.—

9 (A) IN GENERAL.—In consideration for an
10 easement under subsection (e)(2), the Pueblo of
11 Santa Clara shall have an exclusive option to
12 purchase the Northern Tier Land for the period
13 beginning on the date of enactment of this Act
14 and ending 90 days thereafter.

15 (B) RESOLUTION.—Within the period pre-
16 scribed in subparagraph (A), the Pueblo of
17 Santa Clara may exercise its option to acquire
18 the Northern Tier Land by delivering to the
19 Regional Director of Lands and Minerals, For-
20 est Service, Southwestern Region, Department
21 of Agriculture, a resolution of the Santa Clara
22 Tribal Council expressing the unqualified intent
23 of the Pueblo of Santa Clara to purchase the
24 land at the offered price.

(C) FAILURE TO ACT.—If the Pueblo of Santa Clara does not exercise its option to purchase the Northern Tier Land within the 90-day period under subparagraph (A), or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised, the Secretary of Agriculture shall offer the Northern Tier Land for sale to the Pueblo.

(2) OFFER TO PUEBLO.—

(A) IN GENERAL.—Not later than 90 days after receiving a written offer from the Secretary of Agriculture under paragraph (1)(C), the Pueblo may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, a resolution of the Pueblo Tribal Council expressing the unqualified intent of the Pueblo to purchase the land at the offered price.

(B) FAILURE OF PUEBLO TO ACT.—If the Pueblo fails to exercise its option to purchase the Northern Tier Land within 90 days after receiving an offer from the Secretary of Agriculture, or fails to close on the purchase of such

land within 1 year of the date on which the option to purchase was exercised under subparagraph (A), the Secretary of Agriculture may sell or exchange the land to any third party in such manner and on such terms and conditions as the Secretary determines to be in the public interest, including by a competitive process.

(3) EXTENSION OF TIME PERIOD.—The Secretary of Agriculture may extend the time period for closing beyond the 1 year prescribed in subsection (b), if the Secretary determines that additional time is required to meet the administrative processing requirements of the Federal Government, or for other reasons beyond the control of either party.

(c) TERMS AND CONDITIONS OF SALE.—

(1) PURCHASE PRICE.—Subject to valid existing rights and reservations, the purchase price for the Northern Tier Land sold to the Pueblo of Santa Clara or the Pueblo under subsection (b) shall be the consideration agreed to by the Pueblo of Santa Clara pursuant to that certain Pueblo of Santa Clara Tribal Council Resolution No. 05–01 “Approving Proposed San Ildefonso Claims Settlement Act of 2005, and Terms for Purchase of Northern Tier

1 Lands” that was signed by Governor J. Bruce
2 Tafoya in January 2005.

3 (2) RESERVED RIGHTS.—On the Northern Tier
4 Land, the United States shall reserve the right to
5 operate, maintain, reconstruct (at standards in exist-
6 ence on the date of the Settlement Agreement), re-
7 place, and use the stream gauge, and to have unre-
8 stricted administrative access over the associated
9 roads to the gauge (as depicted in Appendix B of
10 the Settlement Agreement).

11 (3) CONVEYANCE BY QUITCLAIM DEED.—The
12 conveyance of the Northern Tier Land shall be by
13 quitclaim deed executed on behalf of the United
14 States by the Director of Lands and Minerals, For-
15 est Service, Southwestern Region, Department of
16 Agriculture.

17 (d) TRUST STATUS AND FOREST BOUNDARIES.—

18 (1) ACQUISITION OF LAND BY INDIAN TRIBE.—
19 If the Northern Tier Land is acquired by an Indian
20 tribe (including a Pueblo tribe), the land may be re-
21 conveyed by quitclaim deed or deeds back to the
22 United States to be held in trust by the Secretary
23 of the Interior for the benefit of the tribe, and the
24 Secretary of the Interior shall accept the conveyance
25 without any additional administrative action by the

1 Secretary of Agriculture or the Secretary of the In-
2 terior.

3 (2) LAND HELD IN TRUST.—On recording a
4 quitclaim deed described in paragraph (1) in the
5 Land Titles and Records Office, Southwest Region,
6 Bureau of Indian Affairs, the Northern Tier Land
7 shall be deemed to be held in trust by the United
8 States for the benefit of the Indian tribe.

9 (3) BOUNDARIES OF SANTA FE NATIONAL FOR-
10 EST.—Effective on the date of a deed described in
11 paragraph (1), the boundaries of the Santa Fe Na-
12 tional Forest shall be deemed modified to exclude
13 from the National Forest System the land conveyed
14 by the deed.

15 (e) INHOLDER AND ADMINISTRATIVE ACCESS.—

16 (1) FAILURE OF PUEBLO OF SANTA CLARA TO
17 ACT.—

18 (A) IN GENERAL.—If the Pueblo of Santa
19 Clara does not exercise its option to acquire the
20 Northern Tier Land, the Secretary of Agri-
21 culture or the Secretary of the Interior, as ap-
22 propriate, shall by deed reservations or grants
23 on land under their respective jurisdiction pro-
24 vide for inholder and public access across the
25 Northern Tier Land in order to provide reason-

able ingress and egress to private and Federal land as shown in Appendix B of the Settlement Agreement.

(B) ADMINISTRATION OF RESERVATIONS.—The Secretary of the Interior shall administer any such reservations on land acquired by any Indian tribe.

(2) EFFECT OF ACCEPTANCE.—If the Pueblo of Santa Clara exercises its option to acquire all of the Northern Tier Land, the following shall apply:

(A) EASEMENTS TO UNITED STATES.—

(i) DEFINITION OF ADMINISTRATIVE ACCESS.—In this subparagraph, the term “administrative access” means access to Federal land by Federal employees acting in the course of their official capacities in carrying out activities on Federal land authorized by law or regulation, and by agents and contractors of Federal agencies who have been engaged to perform services necessary or desirable for fire management and the health of forest resources, including the cutting and removal of vegetation, and for the health and safety of persons on the Federal land.

1 (ii) EASEMENTS.—

2 (I) IN GENERAL.—The Pueblo of
3 Santa Clara shall grant and convey at
4 closing perpetual easements over the
5 existing roads to the United States
6 that are acceptable to the Secretary of
7 Agriculture for administrative access
8 over the Santa Clara Reservation
9 Highway 601 (the Puye Road), from
10 its intersection with New Mexico State
11 Highway 30, westerly to its intersec-
12 tion with the Sawyer Canyon Road
13 (also known as Forest Development
14 Road 445), thence southwesterly on
15 the Sawyer Canyon Road to the point
16 at which it exits the Santa Clara Res-
17 ervation.

18 (II) MAINTENANCE OF ROAD-
19 WAY.—An easement under this sub-
20 paragraph shall provide that the
21 United States shall be obligated to
22 contribute to maintenance of the road-
23 way commensurate with actual use.

24 (B) EASEMENTS TO PRIVATE LAND-
25 OWNERS.—Not later than 180 days after the

1 date of enactment of this Act, the Pueblo of
2 Santa Clara, in consultation with private land-
3 owners, shall grant and convey a perpetual
4 easement to the private owners of land within
5 the Northern Tier Land for private access over
6 Santa Clara Reservation Highway 601 (Puye
7 Road) across the Santa Clara Indian Reserva-
8 tion from its intersection with New Mexico
9 State Highway 30, or other designated public
10 road, on Forest Development Roads 416, 445
11 and other roads that may be necessary to pro-
12 vide access to each individually owned private
13 tract.

14 (3) APPROVAL.—The Secretary of the Interior
15 shall approve the conveyance of an easement under
16 paragraph (2) upon receipt of written approval of
17 the terms of the easement by the Secretary of Agri-
18 culture.

19 (4) ADEQUATE ACCESS PROVIDED BY PUEBLO
20 OF SANTA CLARA.—If adequate administrative and
21 inholder access is provided over the Santa Clara In-
22 dian Reservation under paragraph (2), the Secretary
23 of the Interior—

1 (A) shall vacate the inholder access over
 2 that portion of Forest Development Road 416
 3 referenced in section 7(e)(5); but

4 (B) shall not vacate the reservations over
 5 the Northern Tier Land for administrative ac-
 6 cess under subsection (c)(2).

7 **SEC. 13. INTER-PUEBLO COOPERATION.**

8 (a) DEMARCATION OF BOUNDARY.—The Pueblo of
 9 Santa Clara and the Pueblo may, by agreement, demar-
 10 cate a boundary between their respective tribal land within
 11 Township 20 North, Range 7 East, in Rio Arriba County,
 12 New Mexico, and may exchange or otherwise convey land
 13 between them in that township.

14 (b) ACTION BY SECRETARY OF THE INTERIOR.—In
 15 accordance with any agreement under subsection (a), the
 16 Secretary of the Interior shall, without further administra-
 17 tive procedures or environmental or other analyses—

18 (1) recognize a boundary between the Pueblo of
 19 Santa Clara and the Pueblo;

20 (2) provide for a boundary survey;

21 (3) approve land exchanges and conveyances as
 22 agreed upon by the Pueblo of Santa Clara and the
 23 Pueblo; and

24 (4) accept conveyances of exchanged lands into
 25 trust for the benefit of the grantee tribe.

1 **SEC. 14. DISTRIBUTION OF FUNDS PLAN.**

2 Not later than 2 years after the date of enactment
3 of this Act, the Secretary of the Interior shall act in ac-
4 cordance with the Indian Tribal Judgment Funds Use or
5 Distribution Act (25 U.S.C. 1401 et seq.) with respect to
6 the award entered in the compromise and settlement of
7 claims under the case styled Pueblo of San Ildefonso v.
8 United States, No. 660–87L, United States Court of Fed-
9 eral Claims.

10 **SEC. 15. RULE OF CONSTRUCTION AND JUDICIAL REVIEW.**

11 Notwithstanding any provision of State law, the Set-
12 tlement Agreement and the Los Alamos Agreement (in-
13 cluding any real property conveyance under the agree-
14 ments) shall be interpreted and implemented as matters
15 of Federal law.

16 **SEC. 16. EFFECTIVE DATE.**

17 This Act shall take effect on the date of enactment
18 of this Act.

19 **SEC. 17. TIMING OF ACTIONS.**

20 It is the intent of Congress that the land conveyances
21 and adjustments contemplated in this Act shall be com-
22 pleted not later than 180 days after the date of enactment
23 of this Act.

1 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such funds
3 as are necessary to carry out this Act.

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